

REMARKS

Claims 1-3, 5-7, 9, 12-18, 20-24 and 27-36 are pending in this application. By this Amendment, claims 1, 16, 27, 28, 30, and 31 are amended; claim 36 is added; and claims 4, 8, 11, 19, and 26 are canceled. Support for the new claim and amendments to the claims may be found, for example, in the original claims. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments:

(a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments merely incorporate allowable subject matter into the independent claims or allowable dependent claims in independent form); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Previous Notice of References Cited

The Notice of References Cited attached to the Office Action mailed August 4, 2008 incorrectly noted that reference "B" as U.S. Publication No. 2003/0213979 to Nakajima et al., rather than the correct reference of U.S. Publication No. 2003/0213939 to Narayan et al. Accordingly, Applicants respectfully request confirmation that the record has been corrected to reflect that U.S. Publication No. 2003/0213939 to Narayan et al. was applied in the previous Office Action. Specifically, Applicants request a corrected or marked up Notice of References Cited indicating that U.S. Publication No. 2003/0213939 to Narayan et al. was

applied by the previous Office Action instead of U.S. Publication No. 2003/0213979 to Nakajima et al.

II. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 4, 19, and 30-35 contain allowable subject matter. By this Amendment, the subject matter of claim 4 and 19 is incorporated into claim 1 and 16, respectively, and claims 4 and 19 are canceled. Additionally, claims 30 and 31 are rewritten in independent form to include all of the features of the base claim and any intervening claims. Accordingly, allowance of claims 1, 16, 30 and 31 and their dependent claims are respectfully requested.

III. Claim Objections

The Office Action objects to claims 27 and 28 for various informalities. Claims 27 and 28 are amended according to the Examiner's helpful suggestions. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

IV. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1-3, 5-18, 20-26, 28 and 29 under 35 U.S.C. §102(b) as being anticipated by GB 1458570 to Seiden et al. ("Seiden") when taken with Applicant's alleged admission.¹ By this Amendment claims 8, 11, and 26 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

As indicated above, by this Amendment, independent claims 1 and 16 are amended to incorporate the allowable subject matter of claims 4 and 19, respectively. Thus, allowance of claims 1 and 16 and their dependent claims are respectfully requested.

¹ Applicants note that (1) claim 10 is included in the rejection, although claim 10 was previously canceled; and (2) claim 27 is not included in the rejection, but a discussion of how Seiden was applied to claim 27 was included in the text that follows the rejection. This omission amounts to a failure to articulate a prima facie case of unpatentability and, thus, the finality of the current rejection is improper and should be withdrawn.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. New Claims

By this Amendment, new claim 36 is presented. Support for new claim 36 may be found, for example, in original claim 8 as filed. The subject matter of new claim 36 (original claim 8) was previously examined on the merits as detailed on page 4 of the Office Action mailed August 4, 2008. However, the text of original claim 8 was inadvertently replaced by the text of claim 9 in the response filed November 4, 2008. To address this word processing error, claim 8 is canceled and the subject matter of original claim 8 is re-presented as claim 36.

New claim 36 depends from claim 1 and, thus, distinguishes over the applied reference for at least the reasons discussed above with respect to claim 1. Accordingly, allowance of new claim 36 is respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: May 20, 2009

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